



*Crl.O.P.(MD).No.5050 of 2026*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 10.03.2026

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**Crl.OP.(MD)No.5050 of 2026**  
**and**  
**Crl.M.P.(MD).No.5400 of 2026**

Rani

...Petitioner

Vs

The State of Tamilnadu rep. by its,  
The Inspector of Police,  
Vadachery Police Station,  
Nagercoil, Kanyakumari District.  
(In Crime No.825 of 2009)

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS Act, to set aside the impugned order dated 25.09.2025 in Crl.M.P.No.2478 of 2025 in C.C.N.315 of 2010 passed by the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, and to direct the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, to recall the witness P.W.1 to P.W.4 for cross examination by the petitioner.

|                |                                                            |
|----------------|------------------------------------------------------------|
| For Petitioner | : Mr.L.George Paul Anto                                    |
| For Respondent | : Mr.R.Meenakshi Sundaram,<br>Additional Public Prosecutor |



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## **ORDER**

The present petition has been filed by A4 in C.C.N.315 of 2010 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, challenging the order dated 25.09.2025 passed in Crl.M.P.No.2478 of 2025 in C.C.N.315 of 2010 by the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, wherein the request of the petitioner under Section 311 of Cr.P.C., has been rejected.

2.Heard the learned counsel on either sides and perused the materials available on record.

3.The petitioner herein had not cross examined P.W.1 to P.W.3 and he had filed an application in Cr.M.P.No.4342 of 2017 under Section 311 of Cr.P.C., to recall them and the same was dismissed by the trial Court on 06.09.2017. Challenging the same, the petitioner has filed criminal original petition in Crl.O.P.(MD).No.13867 of 2017 before this Court and this Court by order dated 13.08.2017, allowed the said application on payment of Rs.5,000/- to the credit of Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, and the said amount was paid and the application was subsequently allowed by this Court on 07.11.2017. Despite the order of this Court dated 07.11.2017, the



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petitioner herein has not taken any steps to cross examine P.W.1 to P.W.3. After a period of 8 years, the miscellaneous petition in Cr.M.P.No.2478 of 2025 has been filed seeking to cross examine P.W.1 to P.W.4, which was dismissed. Challenging the same, the present petition has been filed.

4.The facts narrated above will clearly indicate that the petitioner was given a chance to cross examine P.W.1 to P.W.3 by an order of this Court, which was not utilised by the petitioner. As far as P.W.4 is concerned, he was also examined in the year 2017 and the present application has been filed to recall him in the year 2025. Considering the delay on the part of the petitioner as well as the non utilization of the opportunity granted by this Court, this Court does not find any illegality or error in the order passed by trial Court. Hence, there are no merits in this petition.

5.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition stands closed.

**10.03.2026**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
vsg



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To

- 1.The learned Judicial Magistrate No.II,  
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,  
Vadachery Police Station,  
Nagercoil, Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR, J.**

vsg

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